

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

KEVIN TAYLOR,)	No. ED103448
)	
Appellant,)	Appeal from the Circuit Court
)	of St. Charles County
vs.)	
)	Hon. Ted C. House
JAMES ROBERTSON,)	
)	Filed:
Respondent.)	March 29, 2016

Kevin Taylor (“Appellant”) appeals from the trial court’s grant of summary judgment in favor of James Robertson (“Respondent”). Appellant argues the trial court erred in granting Respondent’s motion for summary judgment because reciprocal wills executed by Fred Duncan and his wife, Janet Duncan, in 2005 created a valid contract not to revoke a will pursuant to Section 474.155 RSMo.

AFFIRMED

Division One holds: The trial court did not err in granting summary judgment because Appellant did not prove with clear, cogent, and convincing evidence the reciprocal wills executed by Fred and Janet Duncan created a valid contract not to revoke pursuant to Section 474.155. The wills did not set forth the material terms of a contract not to revoke in definite and certain terms.

Opinion by: Robert G. Dowd, Jr., P.J.
Mary K. Hoff, J. and Roy L. Richter, J., concur.

Attorney for Appellant:

Andrew W. Callahan

Attorney for Respondent:

Lorna L. Frahm

<p>THIS SUMMARY IS NOT PART OF THE OPINION OF THE COURT. IT HAS BEEN PREPARED FOR THE CONVENIENCE OF THE READER AND SHOULD NOT BE QUOTED OR CITED.</p>
